

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MARIAN DIRKZWAGER,

Plaintiff,

v.

COSTCO WHOLESALE
CORPORATION,

Defendant.

No. 2:22-cv-02215 TLN CKD

ORDER

A settlement conference has previously been set before Magistrate Judge Allison Claire for October 1, 2024, at 9:00 a.m. ECF No. 13. This order CONFIRMS the date and time for the settlement conference and SUPERSEDES the previously-issued minute order as to the matters addressed herein.

The court expects that the parties will proceed with the settlement conference in good faith and attempt to resolve all or part of the case. Unless otherwise specifically authorized by the court in advance of the settlement conference, the following individuals must participate in the settlement conference: (1) all of the attorney(s) who will try the case; (2) the parties; and (3) individuals with full authority to negotiate and settle the case, on any terms.

No later than September 17, 2024, each party must submit to Judge Claire's chambers at acorders@caed.uscourts.gov a confidential settlement conference statement. These statements

1 should not be filed on the docket; however, each party shall e-file a one-page document entitled
2 Notice of Submission of Confidential Settlement Conference Statement. The statements should
3 be marked “CONFIDENTIAL” and should state the date and time of the conference.

4 While brevity is appreciated, each statement must include:

5 (1) a brief recitation of the facts;

6 (2) a discussion of the strengths and weaknesses of the case, from your party’s
7 perspective;

8 (3) an itemized estimate of your party’s expected costs for further discovery, pretrial, and
9 trial matters, in specific dollar terms;

10 (4) your best estimate of the probability that plaintiff will obtain a finding of liability
11 should this case proceed to trial, in percentage terms;

12 (5) should this case proceed to trial and defendant be found liable, please provide the
13 following, in specific dollar terms:

14 (a) a realistic high-end recovery estimate (i.e., realistic best- or worst-case
15 scenario)

16 (b) a realistic low-end recovery estimate (i.e., realistic worst- or best-case
17 scenario), and

18 (c) a best estimate of the most likely outcome;

19 (6) a history of settlement discussions, including:

20 (a) a statement of your expectations for settlement discussions;

21 (b) a listing of any past and present settlement offers from any party (including all
22 terms);

23 (c) whether your party would consider making the opening offer or demand, and
24 what that offer might be;

25 (7) a list of the individuals who will be participating in the settlement conference on your
26 party’s behalf, including each participant’s name and, if appropriate, title;

27 (8) identification of any related cases or of any other cases that the parties might wish to
28 discuss at this settlement conference; and

(9) a completed worksheet (blank version attached) highlighting your responses to certain of the above questions.

Judge Claire will hold a short, pre-settlement conference via Zoom on September 23, 2024 at 10:00 a.m. Only the lead attorney from each side¹ should participate. At Judge Claire's discretion, the joint discussion may be followed by private discussions between the judge and each party. Zoom login information will be provided in advance of September 23, 2024.

In accordance with the above, it is hereby ORDERED that:

1. A pre-settlement conference is set before Magistrate Judge Claire on September 23, 2024 at 10:00 a.m.

2. The settlement conference set before Magistrate Judge Claire on October 1, 2024, at 9:00 a.m. is hereby CONFIRMED.

3. No later than September 17, 2024, each party must submit a confidential settlement conference statement, as described above, to Magistrate Judge Claire.

DATED: June 4, 2024

Allison Claire
ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

¹ The court expects that the attorneys participating in the pre-settlement conference discussion will also participate in the settlement conference.

1

Pre-Settlement Worksheet

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

	<i>Please fill in each value below</i>
<i>Additional cost to your party expected for . . . discovery</i>	\$
<i>. . . pretrial</i>	\$
<i>. . . trial</i>	\$
<i>Estimated probability of liability finding</i>	%
<i>Realistic high-end estimate of recovery by P</i>	\$
<i>Realistic low-end estimate of recovery by P</i>	\$
<i>Best estimate of recovery by P</i>	\$
<i>Last offer/demand (if any) previously made by your party</i>	\$
<i>Last offer/demand (if any) previously made by opposing party</i>	\$
<i>Proposed next offer/demand by your party</i>	\$